

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JUNE 5, 2012 6:00 p.m.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

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MEMBERS PRESENT:

Chair	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose

OTHERS PRESENT – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, John Hixon, Tracy Hegler, Geo Price, Andy Metts, Brad Farrar, Buddy Atkins, Amelia Linder, Pam Davis, Nelson Lindsay, Dale Welch, Rodolfo Callwood, Kendra Dove, Bill Peters, Michael Byrd, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:07 p.m.

INVOCATION

The Invocation was given by the Honorable Gwendolyn Davis Kennedy

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Gwendolyn Davis Kennedy

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized that the Columbia-Richland Fire Chief and members of his command staff were in the audience.

APPROVAL OF MINUTES

Regular Session: May 15, 2012 – Mr. Malinowski stated that the date needed to be corrected in the heading of the minutes on page 1.

Mr. Jackson moved, seconded by Mr. Livingston, to approve the minutes as amended. The vote in favor was unanimous.

Zoning Public Hearing: May 22, 2012 – Mr. Jackson moved, seconded by Mr. Malinowski, to approve the minutes as submitted. The vote was in favor.

ADOPTION OF THE AGENDA

Ms. Dickerson moved, seconded by Ms. Kennedy, to adopt the agenda as submitted.

Mr. Malinowski moved, seconded by Ms. Kennedy, to remove #28: "Motion that County Council be treated like all County wide elected officials."

Mr. Malinowski withdrew his motion.

The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following were potential Executive Session Items:

- a. **Fire Contract**
- b. **Solid Waste Contracts**
- c. **Internet Sweepstakes**

Mr. Rose moved, seconded by Mr. Jackson, to not take up the Fire Contract or Internet Sweepstakes in Executive Session. The vote in favor was unanimous.

CITIZENS' INPUT

Ms. Renee Davis, Mr. Albertus McDowell, Ms. Marie Shaw, and Mr. Eugene Davoll spoke.

REPORT OF THE COUNTY ADMINISTRATOR

Assessor Legislation – Mr. Pope stated that the bill is awaiting the Governor’s signature. The ramifications of the bill and the next steps will be brought back to Council once the Governor’s signature has been obtained.

Joint Transportation Committee Update – Mr. Pope stated that the Committee met on Monday, June 4th and will be having a follow-up meeting on June 11th to finalize its recommendations to full Council.

Fire Contract – This was an action item on the agenda.

Internet Sweepstakes – Ms. Hutchinson moved, seconded by Ms. Dickerson, to place a 30-day moratorium with a pending ordinance doctrine on internet sweepstakes. A discussion took place.

<u>For</u>	<u>Against</u>
Jackson	Rose
Hutchinson	Malinowski
Dickerson	Pearce
Kennedy	Washington
Manning	Livingston
	Jeter

The motion failed.

REPORT OF THE CLERK OF COUNCIL

Community Relations Council Luncheon, Wednesday, June 27, 2012, 12:30-2:00 p.m. Columbia Metropolitan Convention Center – Ms. Onley reminded Council about the upcoming luncheon.

REPORT OF THE CHAIRMAN

Joint Transportation Committee: Council Work Session June 12 and/or June 19 – Mr. Manning moved, seconded by Mr. Washington, to schedule a Council work session on June 13th at 5:30 p.m.

Mr. Malinowski made a substitute motion, seconded by Ms. Kennedy, to schedule a Council work session on June 19th at 4:00 p.m. A discussion took place.

The substitute motion failed.

The vote to schedule a Council work session for June 13th at 5:30 p.m. was unanimous.

Waste Management Recycle Bank Program – Mr. McDonald have a brief overview of the program. Staff is to bring back more information including a savings analysis.

Administrator's Transition – This item was taken up in Executive Session.

Personnel Matters (2) – This item was taken up in Executive Session.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 7:25 p.m. and came out at
approximately 7:50 p.m.
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Administrator's Transition – No action was taken.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2011-2012 Lower Richland Utilities Fund Budget to appropriate \$25,000 of User Fee Revenue for additional operational and maintenance costs for the Hopkins Community Water System** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$600,000 of General Fund Balance for Workers' Compensation claims** – No one signed up to speak.

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized that Representative Todd Rutherford was in the audience.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Fiscal Year 2011-2012 Lower Richland Utilities Fund Budget to appropriate \$25,000 of User Fee Revenue for additional and maintenance costs of the Hopkins Community Water System [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$600,000 of General Fund Undesignated Fund Balance for Workers' Compensation claims [THIRD READING]**
- **An Ordinance Authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina and McEntire Produce, Inc., a corporation organized and existing under the laws of the State of South Carolina, and certain affiliates of McEntire Produce, Inc., including R. C. McEntire Trucking, Inc., a corporation organized and existing under the laws of the State of South Carolina, and McEntire Limited Partnership, a limited partnership organized and**

existing under the laws of the State of South Carolina pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$5,000,000 [THIRD READING]

- 12-20MA, Jacqueline Bush Reese, RU to RS (2 Acres), Bluff Rd., 27300-07-05 [SECOND READING]
- 12-21MA, Ismail Ozbek (0.83 Acres), Lexington County Health Services District, Inc., PDD to PDD, Summit Parkway & Summit Centre Dr., 23011-01-02 [SECOND READING]
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; "Residential Uses" of Table 26-V-2.; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to permit "Radio, Television, and Other Similar Transmitting Towers" in the M-1 (Light Industrial District), as a special exception rather than with special requirements
- An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (C), Processes; Paragraph (2), Minor Subdivision Review; so as to remove the requirement of sketch plan submittal [FIRST READING]
- Broad River Rowing Center
- Review the process of the Development Review Team
- Expansion of boundaries for the proposed Spring Hills Master Plan Area
- Airport Consultant for the Jim Hamilton-LB Owens Airport
- Emergency Services Purchase Orders for 2012-2012
- Employees Eligible to Retire and Possible Leave Payout Cost
- Hopkins Community Water System Project Expansion
- Resolution to Distribute \$7,400 in Federal Forestry Funds
- Retention Schedule for Finance Department Records

- **Workers Compensation Information**

Mr. Pearce moved, seconded by Ms. Dickerson, to approve the consent items. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Malinowski, to reconsider the consent items. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Jackson, to approve the consent items. The vote in favor was unanimous.

SECOND READING

12-04MA, Richland County, GC to RM-MD (0.64 Acres), 5225, 5229, 5235 & 5239 Ridgeway St., 09309-03-07(p)/08(p)/09(p)/10(p) – Mr. Livingston moved, seconded by Mr. Pearce, to defer this item to the June 19th meeting. The vote in favor was unanimous.

12-14MA, Marion Bouknight, Lee Blythe, RU to RS-MD, Old Tamah Rd. & Shady Grove Rd., 03500-04-08(p)/24 – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item to the June 19th meeting. The vote in favor was unanimous.

FIRST READING

An Ordinance to levy and impose a one percent (1%)* (Preliminary, subject to change) Sales and Use Tax, subject to a referendum, within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to define the purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and the issuance of General Obligation Bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission; to provide for the administration of the tax, if approved; and to provide for other matters relating thereto – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

Mr. Pearce moved, seconded by Ms. Kennedy, to call for the question.

<u>For</u>	<u>Against</u>
Rose	Malinowski
Hutchinson	Jackson
Pearce	Kennedy
Washington	Manning
Livingston	
Dickerson	
Jeter	

The vote was in favor of calling for the question.

The vote was in favor of approving this item.

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

Tree Canopy Ordinance and Inventory Motion – Ms. Hutchinson moved, seconded by Mr. Malinowski, to direct staff to gather all existing information from GIS, DNR studies, and Forestry Commission resources about the existing tree cover in Richland County, in order to see what information is presently available. The vote in favor was unanimous.

Purchase of Asphalt Paver – Mr. Malinowski moved, seconded by Mr. Manning, to defer this item to the June 19th meeting. The vote in favor was unanimous.

Purchase of Motorgrader – Mr. Malinowski moved, seconded by Mr. Manning, to defer this item to the June 19th meeting. The vote in favor was unanimous.

Purchase of Vector Vacuum Jet Rodding Truck – Mr. Malinowski moved, seconded by Mr. Manning, to defer this item to the June 19th meeting. The vote in favor was unanimous.

Utilities Crossing Conservation Easements in Richland County – Ms. Kennedy stated that the committee recommended approval of this item. The vote in favor was unanimous.

Bidding of Solid Waste Collection Services in Council District 11 – This item was taken up in Executive Session.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

JEDA Bond Issue for The Lutheran Homes of SC, Inc. – Mr. Pearce moved, seconded by Mr. Livingston, to defer this item to the June 19th meeting. The vote in favor was unanimous.

Motion that County Council be treated like all County wide elected officials – Mr. Livingston moved, seconded by Mr. Malinowski, to table this item. The vote in favor is unanimous.

Retention Schedule for the Public Works Department – Mr. Malinowski moved, seconded by Mr. Manning, to defer this item to the June 19th meeting. The vote in favor was unanimous.

Special Duty Budget: Off-Duty Security Work Sheriff Deputies – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses; Permitted Uses with Special Requirements and Special Exceptions;

“Residential Uses” of Table 26-V-2.; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to permit “Group Homes (10 to

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15)” in the RU (Rural District), with special requirements – Mr. Washington moved, seconded by Mr. Pearce, to approve this item. A discussion took place.

The vote was in favor.

Resolution on Water/Sewer Rates for Non-City Residents – Mr. Jackson moved, seconded by Mr. Malinowski, to approve this item. The motion failed.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Board of Assessment Control—1** – Mr. Malinowski stated that the committee recommended advertising this position. The vote in favor was unanimous.
- b. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended advertising this position. The vote in favor was unanimous.
- c. **East Richland Public Service Commission—1** – Mr. Malinowski stated that the committee recommended advertising this position. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—4** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- b. **Appearance Commission—2** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- c. **Board of Assessment Control—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Fred C. Meetze, Jr. The vote in favor was unanimous.
- d. **Business Service Center Appeals Board—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- e. **Employee Grievance** – Mr. Malinowski stated that the committee recommended appointing Ms. Betty Etheredge. The vote in favor was unanimous.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Council Member Individual Discretionary Account Motions** – Mr. Malinowski stated that the committee recommended that each Council member be allowed to roll over up to 10% of any of that member’s unspent annual allocation from the ending fiscal year to the new fiscal year by written, signed request to Administration. In the event a Council member exceeds the expense account allocation, he/she shall be allowed to have up to \$700 (the equivalent of 10%) deducted from the next year’s allocation. If a Council member overspends the up to \$700 allowed variance the amount beyond what can be carried over must be repaid to the County by close of business on the last day of August. If payment is not fully rendered the amount remaining will be garnished as allowed by statute in equal amounts over the next three pay checks. Additionally, Administration is directed to take the steps necessary to administratively carry out the provisions of this motion. Finally, this policy will take effect with the inception of the FY13 budget. A discussion took place.

Mr. Jeter moved, seconded by Ms. Hutchinson, to divide the question. A discussion took place.

<u>For</u>	<u>Against</u>
Jackson	Rose
Washington	Malinowski
Livingston	Hutchinson
Dickerson	Pearce
Jeter	Kennedy
	Manning

The motion failed to divide the question.

Mr. Pearce made a substitute motion, seconded by Ms. Dickerson, to return this item to the Rules and Appointments committee. The vote in favor was unanimous.

- b. **Add to Section 4.1 of Council Rules: “No standing committees of Council shall be scheduled at the same time.”** – This item was held in committee.
- c. **That all items currently listed at the end of the A&F and D&S Committee agendas as “Items Pending Analysis” be cleared up within 90 days. There is no reason some action should not be taken, even if it means to table it for now** – This item was held in committee.

- d. All committee items being sent to full council will not automatically be placed on the consent agenda but be listed as first reading items. The rationale is that only three persons could be present for the quorum and if

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all voted for the item it goes on the consent and this is only about 27% of council. – This item was tabled in committee.

- e. Reviewing Committee Qualifications – This item was held in committee.

OTHER ITEMS

Richland County/City of Columbia Intergovernmental Fire Agreement – Mr. Livingston moved, seconded by Mr. Jackson, to approve the agreement. A discussion took place.

The vote in favor was unanimous.

Mr. Jackson moved, seconded by Ms. Dickerson, to reconsider this item. The motion failed.

Report of the Regional Recreation Complex Ad Hoc Committee

- a. **\$22M Option** – Ms. Kennedy moved, seconded by Ms. Hutchinson, to approve the \$22M option for Phase I of the Regional Recreation Complex. A discussion took place.

The vote in favor was unanimous.

CITIZEN'S INPUT

Mr. Hainsley Lewis spoke regarding home repair assistance.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 10:11 p.m. and came out at approximately 10:49 p.m.
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Personnel Matters (2) – No action was taken.

Solid Waste Contracts – Mr. Jackson moved, seconded by Ms. Hutchinson, to rebid service area #6 and approve the contract for service area #2 as negotiated by Administration.

Mr. Malinowski made a substitute motion, seconded by Ms. Kennedy, to divide the question.

<u>For</u>	<u>Against</u>
Malinowski	Rose
Dickerson	Jackson
Kennedy	Hutchinson
	Pearce
	Washington

Livingston
Manning
Jeter

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The substitute motion failed.

Mr. Malinowski moved, seconded by Ms. Dickerson, to rebid service areas #2 and #6. The substitute motion failed.

The vote was in favor of rebidding service area #6 and approving the contract for service area #2 as negotiated by Administration.

Mr. Jackson moved, seconded by Ms. Hutchinson, to reconsider this item. The motion failed.

ADJOURNMENT

The meeting adjourned at approximately 10:54 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Damon Jeter

Bill Malinowski

Jim Manning

Paul Livingston

Seth Rose

The minutes were transcribed by Michelle M. Onley